

## **GOVERNMENT OF TELANGANA**

### **ABSTRACT**

Tribal Welfare Department – Telangana State – Kumuram Bheem Asifabad District – Issue of Agency Area Local ST Certificates under G.O. Ms.No.24 of dt.12.6.2018 of TW (LTR.1) Department – Cancellation of certificate by the Collector & District Magistrate, Kumuram Bheem Asifabad District vide Procs. Rc.No.C2/1011/2019, dt.29.01.2020- Appeal filed by Eslavath Swarnalatha, D/o Raghunath, R/o Dhagleshwar, H/o Bhavani Nagar, Asifabad Mandal of Kumuram Bheem Asifabad District – Appeal allowed – Orders – Issued.

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### **TRIBAL WELFARE (LTR) DEPARTMENT**

**G.O.Ms.No. 41**

**Dated: 22-12-2020**

**Read the following:-**

1. G.O. Ms.No.24, TW (LTR.1) Department, dated 12.6.2018.
2. Procs. Rc.No.C2/1011/2019, dt.29.01.2020 of the Collector & District Magistrate, Kumuram Bheem Asifabad District.
3. Appeal petition filed by Eslavath Swarnalatha, D/o Raghunath, R/o Dhagleshwar, H/o Bhavani Nagar, Asifabad Mandal of Kumuram Bheem Asifabad District, dated 01.07.2020.
4. Govt.Memo.No.611/TW.LTR/2020, dated 28.07.2020
5. Lr.No. DCOKBA/C2/335/0001/2020, dated:06.08.2020 from the District Collector, Kumuram Bheem Asifabad District.
6. Notice No.611/TW.LTR/2020, dt. 28.08.2020.

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### **ORDER**

In the reference 1<sup>st</sup> read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1<sup>st</sup> read above, the Collector & District Magistrate, Kumuram Bheem Asifabad District in his Procs. Rc.No.C2/1011/2019, dt.29.01.2020, has issued orders declaring that Eslavath Swarnalatha, D/o Raghunath, R/o Dhagleshwar, H/o Bhavani Nagar, Asifabad Mandal of Kumuram Bheem Asifabad District is not a Local Scheduled Tribe as per definition of GO Ms.No.24, TW (LTR.1) Department, dt.12.06.2018, basing on the following findings of the Scrutiny Committee headed by PO ITDA Utnoor as Chairman.

- Appellant appeared before the Committee on 21.11.2019 and 06.12.2019 and submitted Khasra Pahani of 1954-55 showing name of Eslawath Pathya S/o Bheemala R/o Melangondhi.
- As per 1954-55 Khasra Pahani, Eslawath Pathya S/o Bheemala recorded as cultivator situated at Malangondhi village and there is no relation established between Eslawath Pathya and Eslawath Thavuriya.
- Show Cause Notice was issued by the Dist. Collector, KB Asifabad to Eslawath Swarnalatha D/o Raghunath R/o Dhagleshwar H/o Bhavani Nagar to attend before the Dist. Collector on 28.01.2020 to prove her claim as Local ST with relevant material/documents.
- Accordingly, Eslawath Swarnalatha attended before the Dist. Collector on 28.01.2020 and submitted documents for establishing their continuous residence from 26.01.1950 to till date.

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- On verification of the said record, it is not visible and unauthenticated and also as per scrutiny committee, findings, Eslavath Swarnalatha D/o Raghunath is not local ST of agency area.

3. Aggrieved by the above cancellation orders of the Collector & District Magistrate, Adilabad District, the Appellant Eslavath Swarnalatha, D/o Raghunath, R/o Dhagleshwar, H/o Bhavani Nagar, Asifabad Mandal of Kumuram Bheem Asifabad District vide ref. 3<sup>rd</sup> read above, has filed an Appeal before the Government under GO Ms.No.24, dt.12.6.2018. The contentions of Eslavath Swarnalatha, D/o Raghunath and the documents submitted along with the Appeal and also during the hearing on 05.09.2020 are as follows:

- Initially, Tahsildar, Asifabad issued Local Area Certificate on 22.12.2011 based on family tree, relevant documents and local members statement saying that her forefathers have been staying in MALANGODHI village which is falling under Agency Area.
- Sri Azmeeera Vasram Naik S/o Dalya aged 85 years, R/o Dagleshwer, occupation: Agriculture, Sri Late Banoth Hasniya S/o Narsingh R/o Dagleshwer, occupation: Agriculture, Sri Late Azmera Many S/o Dalya R/o Dagleshwer, occupation: Agriculture & Sri Late Bukya Gopa R/o Kosara occupation: Agriculture deposed in their statements that their family have been living in the scheduled area prior to 26.01.1950 and has their own agriculture land at MALANGODI village in Sy.No.7 admeasuring an extent of Acs.11.05 cents & Sy.No.10 admeasuring extent of Acs.8.05 cents.
- She applied for Agency Area Local ST Certificate as per G.O. Ms.No.24, TW (LTR.1) Dept. dt.12.06.2018 at Tahsildar office, Asifabad and issued certificate on 14.11.2018 as per family tree, relevant document and local member statement of Sri Azmera Vasram Naik S/o Dalya aged 85 years R/o Dagleshwer occupation: Agriculture, Sri Lavudya Shankar S/o Kondya aged 50 years R/o Bhavani Nagar, occupation: Agriculture, Sri Rathod Hatiram S/o Hatiram, aged 55 years R/o Bhavaninagar, occupation: Agriculture. They have deposed in their statements that ESLAVATH BHIMLA was the head of the family. He has two sons namely PATHYA and THAVURYA. PATHYA has no children. As on that time, majority of families are joint family, total family members have to work for life survival. He has land at Malangondi village and has Khasra Pahani of 1954-55. E.THAVURYA has two sons namely Eslavath Budya and Eslavath Fakira.
- Eslavath Budya has four sons namely 1) Rekya 2) Gopia 3) Mangya and 4) Budya – later on land is in the name of E GOPIA (grandson of PATHYA E) and he has faisal patti in his name in Sy.No.7,10. Till today her family members are cultivating this land.
- Therefore, her Local ST Certificate issued by Tahsildar Asifabad bearing Rc.No.D/999/2018, dt.15.11.2018 is genuine and therefore, to consider.

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**Documents submitted along with the Appeal and also during the hearing on 5.9.2020:**

- As per Family Tree drawn in the Affidavit dt.21.12.2019 duly Notarized:
  - **Eslavath Bheemla** was Head of the Family – He has two sons namely 1) Eslavath Pathya (no children) and 2) **Eslavath Tahavuriya (super senior grandfather of appellant)**.
  - **Eslavath Thavuriya (super senior grandfather of appellant)** has two sons namely 1) **Eslavath Budya (senior grandfather of appellant)** and 2) Eslavath Fakira (no children).
  - **Eslavath Budya (senior grandfather of appellant)** has four sons viz., 1) **Eslavath Rekya (grandfather of appellant)** 2) Eslavath Gopia 3) Eslavath Mangya and 4) Eslavath Budya.
  - **Eslavath Rekya (grandfather of appellant)** has seven sons viz., 1) Kimya 2) **Raghunath (father of appellant)** 3) Yeshyanth 4) Ambaro 5) Namdev 6) Punnamdas and 7) Sukulal.
  - **Eslavath Raghunath (father of appellant)** has four children viz., 1) Bharathi (daughter) 2) Subhash (son) 3) **Swarnalatha (daughter and appellant herein)** and 4) Sudhakar (son).
- Certified copy of Khasra Pahani for 1954-55 issued by Dy.Tahsildar, Asifabad Mandal – Malangondi village - shows name of Patya S/o Bheemla (brother of super senior grandfather Thavurya) in Sy.No.7 admeasuring an extent of acs.8.16 gts.
- Certified copy of pahani for 1963-64 issued by Dy.Tahsildar, Asifabad –Malangondi village - shows name of Patya S/o Bheemla (brother of super senior grandfather Thavurya) in Sy.No.7 admeasuring an extent of acs.8.16 gts.
- Certified copy of pahani for 1972-73 issued by Dy.Tahsildar, Asifabad – Malangondi village - shows name of Patya S/o Bheemla (brother of super senior grandfather Thavurya) in Sy.No.7 admeasuring acs.11.05 gts. – in cultivation name of Eslavath Gopia is found (brother of grandfather Eslavath Rekya). Similarly, in Sy.No.11 admeasuring acs.8.90 gts shows name of Eslavath Gopia in cultivation.
- Certified copy of pahani for 1980-81 issued by Dy.Tahsildar, Asifabad –Malangondi village - shows name of Eslavath Gopya S/o Budya (brother of grandfather Eslavath Rekya) in Sy.No.7 admeasuring acs.11.05 gts in cultivation self. Similarly, in Sy.No.11 admeasuring acs.8.95 gts shows name of Eslavath Gopya while in cultivation column names of Eslavath Dannuraj S/o Gopya and Eslavath Yeshuvanti S/o Rekya are shown.
- Certified copy of pahani for 1990-91 issued by Dy.Tahsildar, Asifabad – Malangondi village – shows name of Eslavath Gopya S/o Budya

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(brother of grandfather Eslavath Rekya) in Sy.No.7 admeasuring acs.11.05 gts in cultivation self. Similarly, in Sy.No.11 admeasuring Acs.8.95 gts shows name of Eslavath Gopya S/o Budya while in cultivation self.

- Certified copy of pahani for 1999-2000 issued by Dy.Tahsildar, Asifabad – Malangondi village – shows name of Eslavath Gopya S/o Budya (brother of grandfather Eslavath Rekya) in Sy.No.7 admeasuring acs.11.05 gts in cultivation self. In Survey No.11 for an extent of acs.8.95 gts name of Eslavath Gopya S/o Budya (brother of grandfather Eslavath Rekya) is shown while in cultivation column name of Eslavath Rekya S/o Budya (grandfather of appellant) is shown.
- Certified copy of pahani for 2010-11 issued by Dy.Tahsildar, Asifabad – Malangondi village – shows name of Eslavath Gopya S/o Budya (brother of grandfather Eslavath Rekya) in Sy.No.7 for an extent of acs.11.05 gts and also in Sy.No.11 name of Eslavath Gopya S/o Budya (brother of grandfather Eslavath Rekya) is shown for an extent of Acs.8.95 gts.
- Sale Agreement dated 10.11.1975 – executed by Dandinayakula Palakrao S/o Ramishan Rao R/o Asifabad in favour of Eslavath Rekya S/o Budya R/o Malangondi of Asifabad Taluq – sold an extent of Acs.9.15 gts in Sy.No.3 of Kosara hamlet for a sale consideration of Rs.20,000/-.
- Copy of pahani for 1424 Fasli (2014 year) - Dagleshwer village - issued by Tahsildar, Asifabad – shows name of Eslavath Gamblibai W/o Raghunath (mother of appellant) for an extent of Acs.0.3400 gts in Sy.No.12/3/a1.
- Copy of pahani for 1424 Fasli (2014 year) – Dagleshwer village - issued by Tahsildar, Asifabad – shows name of Eslvath Gamblibai W/o Raghunath (mother of appellant) for an extent of Acs.0.33 gts in Sy.No.12/3/1/1.
- Copy of pahani for 1424 Fasli (2014 year) – Dagleshwer village - issued by Tahsildar, Asifabad – shows name of Eslavath Gamblibai W/o Raghunath (mother of appellant) for an extent of Acs.0.33 gts in Sy.No.12/3/1/2.
- Copy of pahani for year 2012 – Malangondi village - issued by Tahsildar, Asifabad – shows name of Eslavath Punnam Das S/o Rekya (paternal uncle) for an extent of Acs.6.3920 gts in Sy.No.7/5.
- Copy of pahani for year 2019 – Malangondi village – issued by Tahsildar, Asifabad – shows name of Eslavath Namdev S/o Mangya S/o Mangya (Mangya is brother of grandfather of appellant Sri Rekya) for an extent of Acs.2.1280 gts in Sy.No.11/4.
- Copy of pahani for year 2019 – Malangondi village – issued by Tahsildar, Asifabad – shows name of Eslavath Ramdas S/o Gopia (Gopia is brother of grandfather of appellant Sri Rekya) for an extent of Acs.1.0640 in Sy.No.7/3.

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- Copy of pahani for year 2019 – Malangondi village – issued by Tahsildar, Asifabad – shows name of Islavath Badya S/o Budya (Badya is brother of grandfather of appellant Sri Rekya) for an extent of Acs.5.0040 gts in Sy.No.10/2B/2.
- Certificate of proof of Local ST Candidate issued by Tahsildar, Asifabad Mandal, Dist. Adilabad bearing Rc.No.D/50/2012, dt.22.12.2011 – wherein it was certified that Eslavath Swarnalatha D/o Eslavath Raghunath R/o Bhavani Nagar H/o Dagleshwar village belonging to Lambada ST community is residing at Dagleshwar village, which falls within the scheduled area since 26.1.1950 year. Her parents have been residing in Dagleshwar village since the period of her forefathers which falls within the scheduled area since 26.1.1950.
- Agency Area Local ST certificate issued as prescribed in G.O. Ms.No.24, TW (LTR) Dept. dt.12.06.2018 – by Tahsildar, Asifabad Mandal – wherein it was certified that Eslavath Swarnalatha D/o Eslavath Raghunath belongs to Lambadis ST community. Herself and her grandparents have been continuously residing at village Bhavaninagar H/o Dagleshwar since 26.01.1950 which is a notified scheduled village.
- Residence Certificate dt.18.11.2017 issued by Tahsildar, Asifabad – wherein it was certified that the appellant Swarnalatha Lavidya W/o Ramesh of Dagleshwar at Door No.3-56/E landmark: Bhavani Nagar of Asifabad Mandal of KB Asifabad District is residing at the above address since last 25 years.
- Village Elders statement recorded by Village Revenue Officer, Village: Thumpelli which has been further certified and recommended by MRI Asifabad in the case of brother of appellant Eslavath Subhash for issue of certificate duly drawing family tree – contents of statement of village elders namely Vasram Naik, Hasinya and Pakira witnessed by Rathod Hatiram and Lavudya Sankar – “On today i.e. 2.11.2018 morning at 11.30 am – MRI of Asifabad visited our place i.e. Bhavaninagar H/o Dagaleshwar village and enquired about Kumari Eslavath Swarnalatha D/o Raghunath and about her forefathers with their agriculture land details. They have stated that Eslavath Thavuriya S/o Bheemla and Patya S/o Bheemla have patta lands in Malangondi village in 1950 and lived in Malangondi for 38 years, after that they migrated to Dagleshwar village. Even now, there is a small country-tiled house in Malangondi and further both Malangondi and Dagleshwar are agency villages – therefore, Kumari Eslavath Swarnalatha D/o Raghunath may be given Agency Area ST certificate.

The certification of MRI Asifabad with regard to the case of Eslavath Subhash S/o Raghunath is as “Certified that Mr.Eslavath Subhash S/o Raghunath R/o Bhavani Nagar H/o Dugleshwar Vg of Asifabad (M), Adilabad Dist. aged (23) years (DoB 6.7.1988) belongs to “Lambada” (ST) castes/community, his forefathers and parents have been resided in the Malangondi Vg of Asifabad (M), Adilabad Dist having with the lands and tiled house, but, after sometime, they have been shifted to the Bhavani Nagar H/o Dugleshwar Vg of Asifabad (M), Adilabad Dist and residing now in the said village since last (38) years

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and these (2) two villages have also been falls within the scheduled area since 26.01.1950. At present there is one old tiled house pertaining to the applicant's forefathers is existing in the Malangondi Vg of Asifabad Mandal. Further, the applicant has produced the Agency Certificates issued to his sistser namely Eslavath Bharati W/o Jadhav Dayaram by this office No.D/2187/2005, dt.23.08.2005 in support of his claim. Further, I have been visited the village of Bhavani Nagar H/o Dugleshwar where the applicant's family residing and enquired into the matter locally and found that the request of the applicant is genuine, for which the statement of the village elders have also been recorded by me and a certificate issued under sections 35 & 37 of the Hyderabad Tenancy Agrl Lands Act, 1950 by the Tahsildar..... Ration Card No.WAP1937025000493 of the applicant's father, study certificates of the applicant are submitted herewith for kind perusal and orders, sir."

- Another report dt.08.11.2018 of Girdawar, Asifabad addressed to the Tahsildar, Asifabad - wherein he reported that the applicants (viz., Eslavath Bharati D/o Raghunath, Eslavath Subhash S/o Raghunath and Eslavath Swarnalatha D/o Raghunath) have applied for issue of Agency Area Certificates and on enquiry it came to know that the applicants' forefathers lived in Malangondi village from 1950 and lived there for (38) years. After that, they migrated to Dagleshwar village. Both Malangondi and Dagleshwar are agency villages – thus the applicants have been continuously residing in the agency area since 1950 and recommended for issue of Agency Area certificates to the above (3) applicants.
- Resolution dt.27.11.2018 of GP Thumpelli, Asifabad Mandal – wherein it was resolved that forefathers of Kumari Eslavath Swarnalatha D/o Raghunath lived in Malangondi village since 1950 and after due to natural calamities, after 37 years migrated to Bhavaninagar H/o Dugleshwar.

4. Vide reference 4<sup>th</sup> read above, the District Collector, Kumuram Bheem Asifabad District has been requested to submit original record pertaining to the case along with para-wise remarks.

5. Accordingly, vide reference 5<sup>th</sup> read above, the District Collector, Kumuram Bheem Asifabad District has submitted original record of the case along with para-wise remarks.

6. Vide reference 6<sup>th</sup> read above, a Notice has been issued to the Appellant to attend for hearing on 05.09.2020 at 11.00 AM before the Government to prove her claim along with documentary evidences. Accordingly, the Appellant has attended for hearing on 05.09.2020 and submitted the documents as submitted along with Appeal Petition.

7. Thus, all the above documentary evidences establish the relationship between Eslavath Pathya and Eslavath Thavuriya both own brothers and sons of Eslavath Bheemla and also establish that the family initially lived in Malangondi, an agency village from 1950 and after 37/38 years they migrated to Bhavani Nagar H/o Dugleshwar village of Asifabad Mandal – both are agency villages. and there is no complaint made against the Appellant Eslavath Swarnalatha D/o Raghunath and the District Collector, KB Asifabad ought to have informed the same to the appointing authority i.e.

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DEO Adilabad about her continuous residence in Agency Area since 26.1.1950 and also the genuineness of her local STAC certificate bearing Rc.No.D/999/2018, dt.15.11.2018 issued by the Tahsildar, Asifabad Mandal after due enquiry, is genuine and valid.

8. Government after careful examination of the documents available on record sent by the the PO, ITDA, Uttoor, Adilabad District, and documents submitted by the Appellant and along with the Appeal Petition, during hearing on 5.09.2020 and also in the light of the interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh passed in IA No.1 of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018, dated 14.9.2018, it is found that the appellant Eslavath Swarnalatha, D/o Raghunath, R/o Dhagleswar, H/o Bhavani Nagar, Asifabad Mandal of Kumuram Bheem Asifabad District and her forefathers are the contrinuous residents of Agency Area villages i.e. Malangondi and Bhavaninagar H/o Dugleswar of Asifabad Mandal from 1950 – and therefore, the LSTAC bearing Rc.No.D/999/2018, dt.15.11.2018 issued by the Tahsildar, Asifabad, is treated as genuine and valid.

9. Accordingly, Government hereby set aside the cancellation orders issued by the District Collector, Kumuram Asifabad District in Procs.No.C2/1011/2019, dt.29.01.2020 and allow the Appeal Petition filed by Eslavath Swarnalatha, D/o Raghunath, R/o Dhagleswar, H/o Bhavani Nagar, Asifabad Mandal of Kumuram Bheem Asifabad District

10. The Collector & District Magistrate, Kumuram Bheem Asifabad District shall take further necessary action accordingly.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)**

**Dr. CHRISTINA Z.CHONGTHU  
SECRETARY TO GOVERNMENT**

To

The Collector & District Magistrate, Kumuram Bheem Asifabad District.  
Eslavath Swarnalatha, D/o Raghunath, R/o Dhagleswar,  
H/o Bhavani Nagar, Asifabad Mandal,  
Kumuram Bheem Asifabad District.

Copy to:

1. The Secretary, Telangana State Public Service Commission, Hyderabad  
(for information & necessary action)
2. The Project Officer, ITDA Uttoor, Adilabad District  
(for information & necessary action)
3. The District Educational Officer, Kumuram Bheem Asifabad District  
(for information & necessary action)
4. The District Educational Officer, Adilabad District  
(for information & necessary action)
5. The PS to Hon'ble Minister for ST Welfare for information.
6. The PS to Secretary (TW)  
SF/SC.

**//FORWARDED:: BY ORDER//**

**SECTION OFFICER**